

Message Text

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EXDIS

E.O. 11652: GDS

TAGS: PFOR, VN, SZ, ICRC

SUBJECT: US RESPONSE TO "PRG" ACCESSION TO GENEVA CONVENTION

REFS : A) STATE 279876; B) SAIGON 15702; C) SAIGON 15710

1. REF A, DIRECTING BERN TO REQUEST GOS "TO REFRAIN FROM CIRCULATING OUR NOTE TO OTHER PARTIES TO THIS CONVENTION AND THE ICRC UNTIL WE HAVE HAD TIME TO CONSIDER THE MATTER FURTHER" IS NOT THE DEFINITIVE ACTION THE CURCUMSTANCES ACTUALLY REQUIRE. HOWEVER, IT AT LEAST BUYS US A MINIMUM AMOUNT OF TIME BEFORE IRREPARABLE DAMAMGE IS DONE NOT ONLY TO THE SECRETARY'S APPROVED POLICIES ON VIET-NAM, BUT TO OUR POSITION IN SOUTHEAST ASIA AS A WHOLE.

2. FOR MANY MONTHS THE USG HAS WITH SOME SKILL AND GREAT PERSISTENCE FRUSTRATED HANOI'S DIPLOMATIC OFFENSIVE NOT ONLY ABOUT THE SO-CALLED "PRG" BUT ALSO ABOUT THE PRETENSIONS OF THE "GRUNK" IN CAMBODIA. YET AS WE SAID IN REF C "FAILURE TO WITHDRAW THIS NOTE IS TO CONCEDE VICTORY TO HANOI'S DIPLOMATIC OFFENSIVE, AND WE SHOULD HAVE NO ILLUSIONS, WHATEVER, THAT THIS WILL BE THE CASE."

3. AND FOR WHAT PURPOSE? TO THOSE WHO WOULD ARGUE THAT FOR US TO OFFICIALLY NOTE THE SO-CALLED "PRG" ACCESSION TO THE

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CONVENTIONS IS NECESSARY TO VALIDATE OUR "HUMANITARIAN" CONCERN WE WOULD ONLY SUGGEST THAT THEY REVIEW WITH SOME PRECISION THE RESERVATIONS CONTAINED IN THE SO-CALLED "PRG'S" INSTRUMENT OF ACCESSION. THEY SO THOROUGHLY EMASCULATE THE GUTS OF THE CONVENTION AS TO MAKE SUCH ACCESSION WHOLLY MEANINGLESS AND A TRAVESTY OF THE DEFINITION ANY LIETERATE PERSON WOULD GIVE TO THE WORD "HUMANITARIAN". WE DOUBT THAT MANY OF THOSE WHO ARGUE ON THIS BASIS HAVE ACTUALLY STUDIED THE EFFECT OF THE RESERVATIONS WHICH, IF ACCEPTED, WOULD GIVE AN EQUAL VALIDITY TO THE REGISTRATION OF SYMBIONESE LIBERATION ARMY. NOTHING IN OUR NOTE MILDLY DISAVOWING THOSE RESERVATIONS CAN CHANGE THIS FACT.

4. HAVING SPENT SO MUCH EFFORT IN ESTABLISHING THE CORRECTNESS OF OUR POSITION, AND THAT OF THE GVN, THAT THE "PRG" HAS NOT THE SLIGHTEST VESTIGE OF THE ATTRIBUTES OF A STATE OR A GOVERNMENT RECOGNIZED BY UNIVERSAL DIPLOMATIC USAGE, IT IS INCOMPREHENSIBLE THAT WE SHOULD NOW IN EFFECT REVERSE THIS POSITION. THERE WOULD BE FAR MORE REASON FOR US TO HAVE NOT OPPOSED THE PLO, WHICH WE RECENTLY DID WITH SUCH GREAT VEHEMENCE, THAN TO USE THIS BACKDOOR DEVICE TO UNDO THE POSITIONS WHICH WE HAVE HERETOFORE SUCCESSFULLY HELD.

5. IN OUR OPINION THE MOST COMPELLING REASON THAT WE SIMPLY MUST WITHDRAW THIS NOTE IS THAT THE ONLY CONCEIVABLE LOGICAL REPEAT LOGICAL REASON FOR LETTING IT STAND IS THAT IT SIGNALS OUR INTENTION TO REINTRODUCE U.S. ARMED FORCES INTO COMBAT IN VIET-NAM AND IT IS ALSO A COMPLETE ILLUSION TO PRETEND THAT THIS INFERENCE WILL NOT BE DRAWN.

6. FOR ALL THESE REASONS, WE AGAIN URGE IN THE STRONGEST POSSIBLE TERMS THAT EMBASSY BERN BE INSTRUCTED IMMEDIATELY TO QUIETLY WITHDRAW THIS NOTE.
MARTIN

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